

REMARKS

Obviousness Rejections

Soltis U.S. 6,493,804 and Applicant Admitted Prior Art

The Examiner rejected claims 1-3, 6-9, and 16-27 as obvious over Soltis et al. (U.S. 6,493,804) in view of Applicant Admitted Prior Art (AAPA). Specifically, with regard to claims 1, 16, 20, and 25 (the independent claims), the Examiner concedes that Soltis does not explicitly teach “wherein the (formal) description of the file system does not include a data structure comprising file information.” We understand the Examiner to argue, however, that the algorithms found in Unix file system drivers as disclosed in the specification are such descriptions of a file system which do not include actual file information. The Examiner further argues that it would be “obvious to one of ordinary skill in the art at the time the invention was made to use at least one of the algorithms disclosed by AAPA as part of the file system drivers inherent to Soltis.”

Assuming for the sake of argument that it would have been obvious to use a Unix file system driver in the invention of Soltis, Soltis still does not teach providing to the client a description of that file system driver that “does not include a data structure comprising file information,” as recited in claims 1, 16, 20, and 25. Further assuming that it would have been obvious to *use* any particular file system in the invention of Soltis, that does not make obvious providing to the client information *describing* the file system but not comprising actual file information. The specification points out the possibility of using file system algorithms as formal descriptions, and uses Unix file systems as an example, but it is the *providing* of the description, not the details of it, that is non-obvious.

As stated by the Examiner, Soltis does not describe or suggest providing a “formal description of the file system” which “does not include a data structure comprising file information.” The identification of one such description in Applicant Admitted Prior Art does not make providing it to the client obvious. For this reason, we submit that independent claims 1, 16, 20, and 25 are patentably distinct from Soltis and are not obvious in view of Soltis and AAPA. We further submit that because claims 2-3 and 6-9 depend from independent claim 1;

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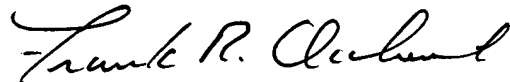
claims 17-19 depend from independent claim 16; claims 21-24 depend from independent claim 20; and claims 26-27 depend from independent claim 25, these dependent claims are allowable over Soltis and AAPA for at least the same reasons that independent claims 1, 16, 20, and 15 are allowable.

Claims 33-40 have been added. They are supported by the specification, page 8, lines 16-24, which explain that an alternative embodiment of the formal description is "the algorithms actually needed to find and interpret the on-disk data structures," and why this may or may not be desirable.

Please apply any charges or credits to deposit account 06-1050, referencing Attorney Docket Number 07072-133001.

Respectfully submitted,

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